

Bill No. 354 of 2019

THE COMPULSORY WATER CONSERVATION AND RECLAMATION
BILL, 2019

By

SHRI RITESH PANDEY, M.P.

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BILL

to provide for a national legal framework for compulsory conservation and reclamation of rainwater by every household, business establishment and Government building in order to ensure access to sufficient water and sustainable development of it for every human being on this planet and for matters connected therewith.

WHEREAS the right to healthy environment and sustainable development are fundamental human rights;

AND WHEREAS water is a basic need for the survival of human beings and is part of the right to life enshrined in article 21 of the Constitution;

AND WHEREAS all people whatever their social and economic conditions, have the right to access drinking water in quantum and of a quality equal to their basic needs;

AND WHEREAS today water scarcity affects majority of States in the country and exists at an alarming level that is projected to rise with global warming and climate change;

an increasing number of countries are also experiencing water stress, water shortages, and droughts and desertification;

AND WHEREAS existing legal provisions governing water have aggravated its unsustainable and iniquitous extraction creating a serious water crisis and denying access to healthy water for large numbers of people;

AND WHEREAS there are many different perceptions of and perspectives on water among people, States and groups, leading to divergence in approach, policy, doctrine, principle, law and institutional arrangement;

AND WHEREAS the State as trustee is under the legal duty to protect all natural resources which are by nature meant for public use and enjoyment;

AND WHEREAS article 39(b) of the Constitution mandates the State to direct its policy towards securing the equal access to the material resources of the community;

AND WHEREAS to achieve sustainable development goal of safe and affordable drinking water for all by 2030 essentially requires protecting and restoring water-related ecosystems and promoting technological infrastructure around conservation;

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commen-
cement.

1. (1) This Act may be called the Compulsory Water Conservation and Reclamation Act, 2019.

(2) It extends to the Union territories only.

(3) It shall come into force within thirty days of the enactment of this Act. 5

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "business establishment" includes any building which is used as an office or a factory in connection with any trade or commerce;

(b) "corporatisation" means the conversion of a Government body or agency into a company or corporation; 10

(c) "differential pricing" means different pricing of water for different uses and different classes of users;

(d) "groundwater" means water occurring in its natural state where it exists below the surface in the zone of saturation whereby it can be extracted through wells or any other means, or that which emerges as springs and base flows in streams and rivers; 15

(e) "Government building" includes the offices of the Ministries, departments, public sector enterprises, statutory bodies or bodies owned and administered by the Government and autonomous bodies, local municipality and Panchayati Government bodies, and residential areas of Government employees and retired Government employees provided by Government; 20

(f) "household" means a dwelling unit of any description;

(g) "livelihood" means an activity or occupation or employment including self-employment that provides sustenance at defined minimum levels to an individual;

(h) "precautionary principle" means the principle that requires the adoption of a cautious approach, including anticipatory, preventive, or mitigatory action, towards any situation that holds the possibility of causing significant harm to human beings and the environment; 25

(i) "prescribed" means prescribed by rules under this Act;

(j) "privatisation" means the transfer of a Government body or institution or a public enterprise to private ownership, or the transfer of a Governmental or public sector activity to a private body;

5 (k) "public trust" means the doctrine that the State shall at level holds natural resources in trust for the community;

(l) "rainwater harvesting" means capturing and conserving rainwater or retarding run-off water through various structures either for direct use or for recharging groundwater aquifers;

10 (m) "reclaimed water" wastewater discharged from household, business establishment, Government buildings, and any other such plots/properties on 200 sq. metre and above that has been treated to meet specific water quality criteria with the intent of being used for a range of purposes.

(n) "potable reuse" means planned augmentation of drinking water supply with reclaimed water;

15 *Explanation:*—For the purpose of this Act, the term recycled water, reclaimed water and water reuse shall have same meaning;

(o) "sustainable use" means the use of water that ensures continued availability of it for present and future generations, without depletion or deterioration or dysfunctionality, and the continued healthy function of related ecological system;

20 (p) "treatment technologies" as deemed fit and notified by the appropriate Government; and

(q) "wastewater" used water discharged from household, business establishment, Government buildings, and any other such plots/properties on 200 sq. metre and above.

25 **3. (1) Every existing and planned household, business establishment, Government buildings and any other plots or properties on two hundred square metres of land and above shall adopt necessary infrastructure, technology or such measures, as the Central Government deem fit necessary to undertake rainwater harvesting within such time, as may be specified in the notification.**

Compulsory rainwater harvesting by households, business establishments and government buildings.

30 (2) The responsibility to ensure compliance of the provisions of sub-section (1) shall lie, in the case of household, on the head of *karta* of that household, and in any other case, on the person, by whatever name called, who is primarily responsible for the affairs of that establishment, plots and properties.

35 **(3) The Central Government shall ensure construction and repair of conventional water bodies such as wells, tanks, ponds, creeks and watersheds to preserve rainwater either for direct use or to recharge the levels of groundwater.**

40 **(4) The Central Government shall ensure construction of any infrastructure, technology or such measures, as it may deem necessary, for water conservation within specific time as it may be notified by it for the Scheduled Castes, the Scheduled Tribes, indigenous and tribal populations and any other vulnerable and marginalized groups.**

29 of 1986.
5 of 1974.

45 **4. (1) Subject to the provisions of the Environment (Protection) Act, 1986 and the Water (Control and Prevention of Pollution) Act 1974, every existing and planned household, business establishment, government buildings, and any other such plots/properties on two hundred square metres of land and above shall adopt necessary infrastructure, technology or such measures, as it may deem necessary, to recycle or reclaim wastewater within such time, as may be specified in the notification.**

Compulsory Water Reclamation.

50 (2) The responsibility to ensure compliance of the provisions of sub-section (1) shall lie, in the case of household, on the head of *karta* of that household, and in any other case, on the person, by whatever name called, who is primary responsible for the affairs of that establishment, plots and properties.

(3) The Central Government shall ensure construction and repair of conventional water bodies such as wells, tanks, ponds, creeks and watersheds to recycle or reclaim wastewater so as to recharge the levels of groundwater.

(4) The Central Government shall ensure construction of any infrastructure, technology or such measures, as it may deem necessary for water reclamation within such time as may be prescribed, for the Scheduled Castes, the Scheduled Tribes, indigenous and tribal populations and any other vulnerable and marginalized groups.

Treatment
Technologies.

5. (1) The Central Government shall within a selected period not exceeding a year, prepare and select best practices and scientific technologies available in India and all over the world, which are sustainable practices for water conservation and reclamation.

(2) Every practice and scientific technology prepared under sub-section (1) shall be duly notified within a period not exceeding ninety days.

(3) Every existing and planned household business establishment, government building and any other such plots/properties on two hundred square metres of land and above are mandated to adopt best practices or any scientific technologies for water conservation and reclamation as notified by the Central Government.

Usage of
Conserved
water.

6. (1) Every existing and planned household, business establishment, government building, and any other such plots/properties on two hundred sq. metres of land and above have to compulsorily use such conserved water for all viable purposes.

(2) The Central Government shall create necessary infrastructure, technology or such measures, as it may deem necessary, to use such conserved water for any public purposes.

(3) The Central Government shall ensure construction of any infrastructure, technology or such measures, as it may deem necessary, to provide such conserved water to the Scheduled Castes, the Scheduled Tribes, indigenous and tribal populations and any other vulnerable and marginalized groups with such time for all viable purposes.

(4) The Central Government shall encourage potable use of conserved water in a sustainable way as may be prescribed.

Funding.

7. (1) The Central Government shall, within a selected period not exceeding a year, prepare an action plan to educate people about the technology and benefits of water reclamation through all possible means.

(2) The Central Government shall, after due appropriation made by Parliament, allocate fund, and sponsor programmes from its available means to ensure the proper implementation of this Act.

(3) For the purpose of sub-section (1) and (2), the Central Government shall also associate non-Governmental Organizations and such other agencies or institutions, as it may deem fit, in such manner as may be prescribed.

Public
Outreach,
Participation
and
Consultation.

8. (1) The Central Government shall make all efforts to enable easy access to all stakeholders including non-Governmental Organisations, corporate, and private organizations to create knowledge-related aspects of water conservation, rainwater harvesting, and water reclamation.

(2) The Central Government shall incentivize society, including individual members of that society, business establishments, government buildings, households and any other such plots/properties on two hundred square metres of land and above for water conservation, rainwater harvesting, and water reclamation through concession in water bill or any other suitable means.

(3) The Central Government shall promote continuing research and advancement in technology to address issues related to water conservation and reclamation.

(4) The Central Government shall encourage, recognize, and award innovation in water conservation, rainwater harvesting and water reclamation.

5 **9.** (1) Whoever, including an individual, business establishment, government building, household or an owner of any plot or properties on two hundred square metres of land and above violates the provisions of this Act shall be penalized with differential pricing in their water bills as per the standard rate set by the appropriate Government. Punishment.

(2) In the case of repeated violation such person shall be punished with simple imprisonment for a term which may extend to one year or with a fine which may extend to rupees one lakh or with both.

10 **10.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty: Power to remove difficulties.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

15 **11.** The provisions of this Act or the schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law. Act to have overriding effect.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

20 (2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or
25 both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The pace of development should not just better the lives of present generations, but also be sustainable enough to benefit future generations. Across the country, both the pace of urbanization and urban migration is far exceeding the level that is sustainable at current levels of naturally available water. This situation has led to an unchecked level of stress on naturally available water, thereby resulting in the increasing certainty of a scenario in the near future where groundwater levels in major cities of India are as low as zero.

Global threats such as climate change are exacerbating existing water stress by increasing the pace of desertification, making it of utmost urgency to tackle the renewal of water resources through efficient recycling and rainwater harvesting. This situation is alarming and threatening the future growth and development of our cities and our country. The gravity of the situation calls for legislation whose jurisdiction encompasses all States and Union territories of India, and whose mandate stimulates collective action involving all public and private stakeholders. Furthermore, the State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of the Right of Access to Sufficient Water for all including the Scheduled Castes, the Scheduled Tribes, indigenous and tribal populations and any other vulnerable and marginalized groups within required time.

Hence this Bill.

NEW DELHI;
November 1, 2019

RITESH PANDEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall adopt necessary infrastructure, technology or such measures, as they deem fit necessary for rainwater harvesting. Clause 4 provides that the Central Government shall adopt necessary infrastructure, technology or such measures, as they deem fit necessary for recycle or reclaim waste water. It further provides for construction of any infrastructure, technology or such measures to water reclamation within such time for the Schedule Castes, the Schedule Tribes, indigenous and tribal populations and any other vulnerable and marginalized groups. Clause 5 provides that the Central Government shall, within a period of one year, prepare and select best practices and scientific technologies available in India and all over the world, which are sustainable practices for water conservation and reclamation. Clause 6 provides that the Central Government shall create necessary infrastructure, technology or such measures, as it may deem necessary, to use such conserved water for any public purposes. Clause 7 provides that the Central Government shall, within a selected period not exceeding a year, prepare an action plan to educate people about the technology and benefits of water reclamation through all possible means. Clause 8 provides that the Central Government shall make all efforts to enable easy access to all stakeholders including Non-governmental, corporate and private organizations to create knowledge-related aspects of water conservation, rainwater harvesting, and water reclamation. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

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